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2      Entered on Docket  
3      September 02, 2009  
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A handwritten signature in black ink, appearing to read "R. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

5      **LEWIS AND ROCA LLP**

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16     *Attorneys for USACM Liquidating Trust*

17     **UNITED STATES BANKRUPTCY COURT**

18     **DISTRICT OF NEVADA**

19     In re:

20     USA COMMERCIAL MORTGAGE COMPANY,

21     USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

22     USA CAPITAL DIVERSIFIED TRUST DEED  
23     FUND, LLC,

24     USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

25     USA SECURITIES, LLC,<sup>3</sup>

26     Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SIXTEENTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED,  
IN WHOLE OR IN PART, UPON  
INVESTMENT IN THE BAY POMPANO  
BEACH LOAN, EXCEPT PROOF OF  
CLAIM OF CHARLES B. ANDERSON  
TRUST**

Hearing Date: August 21, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1        The Court having considered the "Sixteenth Omnibus Objection of USACM Trust  
2 to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano  
3 Beach Loan" [Docket No. 7297] (the "Objection") due notice of the hearing having been  
4 given; the Court having heard the response regarding the Charles B. Anderson Trust proof  
5 of Claim No. 10725-02215; and good cause appearing:

6        **IT IS ORDERED:**

7        1. The Objection is sustained except as it applies to Proof of Claim  
8                10725-02215 filed by Charles B. Anderson Trust. Proof of Claim No.  
9                10725-02215 is allowed as a general unsecured claim for Unremitted  
10              Principal in the amount of \$51,807.00;

11        2. All other claims listed on Exhibit A attached are allowed as general  
12              unsecured claims for the amount shown on **Exhibit A** as Unremitted  
13              Principal. The remainder of those claims are disallowed to the extent  
14              they are based upon a Direct Lender investment in the Bay Pompano  
15              Beach Loan as shown on **Exhibit A**; and

16        3. To the extent the claims listed on **Exhibit A** are based upon  
17              investments in loans other than the Bay Pompano Beach Loan, this  
18              order does not affect them and the USACM Trust may file further  
19              objections.

20        PREPARED AND RESPECTFULLY SUBMITTED BY:

21        **LEWIS AND ROCA LLP**

22        By /s/ Marvin Ruth (#10979)

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24                John Hinderaker

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30                *Attorneys for USACM Liquidating Trust*



1 In accordance with Local Rule 9021, the undersigned certifies:

2  The Court waived the requirements of LR 9021.

3  No parties appeared or filed written objections, and there is no trustee appointed  
4 in this case.

5  I have delivered a copy of this proposed order to all counsel who appeared at the  
6 hearing, any unrepresented parties who appeared at the hearing, and any trustee  
7 appointed in this case, and each has approved or disapproved the order, or failed  
to respond, as indicated below (list each party and whether the party has  
approved, disapproved, or failed to respond to the document):

8 U.S. Trustee: August Landis	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
11 Other Party: Janet L. Chubb	
12 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 #####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ Marvin Ruth (#10979)

18 Rob Charles

19 John Hinderaker

20 Marvin Ruth

21 *Attorneys for USACM Liquidating Trust*

22 **JONES VARGAS**

23 By /s/ Janet L. Chubb

24 Janet L. Chubb

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30 *Attorneys for Charles B. Anderson Trust*

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Bay Pompano Beach Loan	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-02330	Davis, Todd	360 W 55Th St Apt 1G New York, NY 10019	1,150,000.00	91,768.20	24,571.96	67,196.24
10725-01862	George W Hubbard Roth IRA	6340 N. Calle Tregua Serena Tucson, AZ 85750	156,125.00	27,500.00	27,029.14	470.86
10725-02124	Joy Investment Inc A Nevada Corporation	8080 Harborview Rd Blaine, WA 98230	1,818,940.00	174,666.00	28,994.90	145,671.10
10725-01299	Carter, William Daniel Ttee	8710 54Th Ave E Bradenton, FL 34211-3704	107,998.34	37,754.00	36,857.92	896.08
10725-01312	Michelsen, Gary A	John F Murtha Esq Po Box 2311 Reno, NV 89505	543,373.00	109,756.00	36,857.92	72,898.08
10725-01657	Kevin A. Kehl	Janet L Chubb Esq Jones Vargas PO Box 281 Reno, NV 89504-0281	961,017.34	111,017.34	36,857.92	74,159.42
10725-01846	Oppio, Catherine	Po Box 15 430 Gonowable Crystal Bay, NV 89402	252,021.41	86,571.41	36,857.92	49,713.49
10725-02277	Gale Gladstone-Katz Revocable Trust	Gale Gladstone-Katz Trustee 1320 North St #29 Santa Rosa, CA 95404	1,354,118.10	226,394.16	36,857.92	189,536.24
10725-01661	Christina M. Kehl	Janet L Chubb Esq Po Box 281 Jones Vargas Reno, NV 89504-0281	1,023,023.12	148,023.12	49,143.90	98,879.22
10725-02215	Charles B. Anderson Trust		185,281.09	51,807.00	51,807.00	-0-